

## PROGRAM REPORT

### Timber Harvest Activities Waiver Program

#### General Discussion

Timber harvesting operations are of significant economic importance in the Central Valley Region. Approximately 50 percent of the State's timberlands are located in this region and the commercial harvest (total timber volume cut) is slightly over 1 million MBF, each MBF equaling 1000 board feet (net). This represents approximately 45 percent of the statewide harvest of commercial timber and equals the harvest rate in the North Coast Region. Due to cutbacks in harvesting on Federal lands, most of this harvested volume is removed from private land. Timber harvesting operations also have the potential to impact water quality in our Region's higher elevation watersheds, the source of much of California's surface water supply.

On 30 January 2003, the Regional Board adopted the Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities in Resolution R5-2003-0005 (Waiver). The Waiver specifies eligibility criteria and conditions that must be met by dischargers engaged in timber harvest activities on private and USFS lands in order to qualify for a waiver of waste discharge requirements. Dischargers submit Waiver Applications prior to commencement of timber harvest activities and Waiver Certifications at the conclusion of those activities. Regional Board staff is responsible for ensuring waiver compliance by evaluating the Application and Certification forms and by conducting field inspections. An internal workplan has been developed to address recently increased staff levels (from 2.2 PYs to 5.2 PYs in FY 2003/04), the new waiver regulatory structure, and to distribute the workload amongst the three offices. The workplan primarily focused on tasks to continue THP review with CDF (non-federal lands) and to evaluate Waiver compliance (federal and non-federal lands). Despite the increase of 3 PYs, we remain substantially under funded in this program (for comparison the North Coast Region has 25 PY allocated for timber harvest) and staff's workplan reflects this. The following is a list of regulatory and related activities performed by staff this past fiscal year:

- Waiver Processing for Non-Federal Lands
- Waiver processing for Federal Lands
- Participation in CDF THP Review Process (including PHI inspections)
- Waiver Compliance Inspections
- Water Quality Monitoring (limited) and GIS System Startup
- Participation in BOF (Board of Forestry) Committees and Rule Making Process
- Coordination With SWRCB, CDF and Other Regional Boards
- Outreach To Industry and Watershed Groups

#### Waiver Processing for Non-Federal Lands

Staff has developed a database to track waivers submitted for Waiver Categories 1-4. Although inter-office data entry requires further improvement, the database yielded the following breakdown of submitted waivers.

<b>Type of Project</b>	<b>Total Number of Projects</b>	<b>Waivers Received</b>
Categories 1&2 (Exemptions/Emergencies)	1800	250
Categories 3&4 (Timber Harvest Plans) THPs/ (Nonindustrial Timber Management Plans) NTMPs	295	463*

\* Waivers received exceeds total projects as some waivers were submitted for existing THPs/NTMPs

#### Waiver Processing for Federal Lands

As of 31 May 2004, Regional Board staff received a total of 324 applications for Waiver activities on Federal Lands. This is an increase of 97 waivers since our December 2003 report. The breakdown of waivers submitted by National Forest is presented in the table below.

#### Number of Waiver Applications Submitted by National Forest

Eldorado	60
Lassen	28
Mendocino	8
Modoc	14
Plumas	43
Sequoia	29
Shasta-Trinity	37
Sierra	40
Stanislaus	55
Tahoe	10
<b>Total Waivers</b>	<b>324</b>

The USFS has applied for Waiver coverage for the following types of projects: Fire Salvage Harvest, Forest Stand Improvement, Fuels Reduction, Hazard Tree Removal, Herbicide Applications, and Timber Harvest. Currently, the majority of new Waiver

Applications being received are for fuels reduction projects that include a timber harvest component. These projects include commercial timber sales, shaded fuel breaks along roadways, and defensible fuel reduction projects adjacent to mountain communities. A breakdown of the 324 Waiver applications sorted by project description is presented in the table below.

#### Number of Waiver Applications Sorted by Project Description

Fire Salvage Harvest	18 (5.6%)
Forest Stand Improvement	20 (6.1%)
Fuels Reduction	120 (37.0%)
Hazard Tree Removal	33 (10.2%)
Herbicide Application	7 (2.2%)
Timber Harvest	126 (38.9%)

All Waiver Applications received are initially screened and entered into our USFS Timber Harvest spreadsheet. Approximately 20 percent of the Waiver Applications and supporting documents undergo a more comprehensive review. When staff notes a threat to water quality (road construction, road abandonment, crossing construction, herbicide application proposals, etc.), we schedule field review of that project. As of 31 May 2004, we have met with staff from the Shasta-Trinity, Eldorado, Tahoe, and Stanislaus National Forests to discuss the USFS Waiver and specific Waiver Applications submitted for coverage. Regional Board and National Forest staff discussed currently active timber harvesting and fuel reduction projects and visited a number of projects in the Shasta-Trinity, Tahoe and Eldorado National Forests. From the projects inspected, staff observed that these National Forests avoid working near watercourses and their implementation of Best Management Practices appeared protective of water quality.

#### Participation in CDF Review Team Process

Staff continues to coordinate with CDF in the review of approximately 20 percent of the THPs submitted for non-federal lands. These reviews are reserved for the THPs that pose the greatest threat to water quality and provide the discharger (if all staff field recommendations are accepted) with a waiver under Category 3 of the Waiver. This effort constitutes a proactive approach to prevent timber harvest related impacts on water quality and assists in educating the timber industry of the need to implement additional management measures (beyond those required by the Forest Practice Rules) where necessary to comply with Basin Plan objectives. Staff participated in the review team process for 75 THPs/NTMPs (25 percent of all THP/NTMPs submitted).

#### Waiver Compliance Inspections

Our workplan contained a goal for compliance inspections on non-federal timber harvesting projects of 5 percent for Waiver Categories 1 and 2, 30 percent for Category 3, and 15 percent for Category 4. Staff completed a total of 81 field compliance and other inspections that met the workplan goal for Waiver Category 3, but fell short of the goal for Waiver Categories 1, 2 and 4.

#### Water Quality Monitoring and GIS System Startup

As part of the Waiver hearing process, staff committed to conducting limited monitoring of selected timber operations. This is the first full year of the Waiver program and due to staffing limitations we were able to monitor only one site. Staff monitored 4 locations in Antelope Creek (Mokelumne River watershed) in the vicinity of a large Sierra Pacific Industries THP in January and February 2004. The monitoring conducted during moderate rainfall events indicated a significant increase in turbidity on two occasions. Follow-up forensic evaluations indicated that the most significant turbidity increase resulted at the site of a new culvert installation where cattle was causing additional disturbance.

The Redding Office through a grant with the Cantara Trustee Council recently purchased GIS hardware and software to assist in tracking and mapping of timber harvesting activities throughout the Region. Data will soon be downloaded from existing databases at CDF and the USFS and site-specific compliance data will be added, as generated, to provide staff with an overall picture of timber harvesting patterns, water quality and Waiver compliance.

#### Participation in BOF Committees and Rule Making Process

Staff attended selected BOF committee and other meetings where proposed rule changes relating to water quality protection were being drafted. Staff's participation was limited given available resources. However, as resources increase (see FY 2004/2005 Program for discussion of possible new resources) we intend to increase our involvement in this process. The Regional Board has stated that is their long-term goal to continue to encourage the BOF to improve the Forest Practice Rules and CDF to improve its regulatory program to increase water quality protection.

#### Coordination with SWRCB, CDF and Other Regional Boards

Staff continues to work closely with the SWRCB and other regions to coordinate waiver activities, comment on proposed legislation and assist other RB staff in their waiver development and implementation. Staff is also participating in two joint SWRCB/CDF/BOF committees charged with developing a MOU to address cumulative watershed effects (CWEs) associated with timber harvesting and compliance monitoring criteria for various types of THPs and NTMPs. The committees are currently finalizing MOUs that, upon signature by agency management, should provide a basis for improved coordination between Regional Board and CDF regulatory staff.

#### Outreach To Industry and Watershed Groups

Staff is working with several watershed groups to address local concerns regarding water quality issues associated with timber harvesting primarily on non-federal lands. The monitoring conducted on Antelope Creek was a result of this coordination. Staff intends to expand coordination with interested watershed groups and citizen committees to continue to focus our limited water quality monitoring in watersheds where impacts from timber harvesting are of greatest concern. Staff is continuing to provide outreach to the timber industry by speaking at conferences and industry group meetings. In addition, staff has provided outreach to registered

Professional Foresters regarding waiver requirements through mass mailings and notices and will increase this outreach effort to include timberland owners as well. This effort will be aimed at reminding landowners of their responsibility to submit a Waiver Certification Notice for each timber harvest plan or notice submitted to CDF.

#### FY 2004/2005 Program

A BCP has been included (at least for now) in the Governors proposed 04/05 budget that contains funding for an additional 4.4 PYs for our Region to increase timber harvest regulatory staff. This BCP will almost double the number of staff assigned to our Region's timber regulatory program and should result in an increase in THP review and waiver field compliance effort from the current level of 20 to 30 percent to 40 to 60 percent of THPs/NTMPs submitted. The SWRCB is presently evaluating the application of waiver fees to timber harvesting, as provided for in SB 923, which may provide additional staff resources.

The new waiver database will be brought up-to-date and violation notices will be sent to landowners that did not submit Waiver Certification Notices. In addition, staff will initiate enforcement actions in the form of requests for corrective actions, adoption of WDRs or civil penalties for those timber operations that violate the waiver and threaten to adversely impact water quality.

To assure that landowners are conducting timber harvesting in compliance with CDF and USFS regulations and the Waiver, staff is proposing to implement a monitoring program guide that proposes varying levels of monitoring based on the potential threat to water quality. The proposed "Guide" would require that BMP or management measure implementation monitoring be required for most timber harvesting projects to assure that the BMPs and measures were implemented as proposed and that the BMPs are effective in preventing or minimizing discharges during storm events (photo documentation will be required for critical sites). Forensic water quality or hillslope monitoring will be required when there is a clear threat to exceed basin plan water quality objectives on a local basis. Watershed-wide monitoring will be required when there is a clear indication or threat that proposed timber harvesting in the watershed, combined with other land disturbance activities (including past logging), will likely violate basin plan objectives on a watershed level. Enactment of SB 923 in 2004 provides additional support for requiring appropriate monitoring for waiver issuance.

The Waiver Resolution, adopted in January 2003, is set to expire on 30 January 2005 (approximately six months from now). Staff must soon initiate the processing of supporting CEQA documents to be ready to present a new waiver at the January 2005 Board meeting. The Board does have the option of extending the existing Waiver for an additional three years to comply with the five-year expiration time provided by waiver legislation in SB 390. Extension of the existing waiver may be warranted to allow staff additional time to evaluate the present Waiver's effectiveness in reducing waste discharges and improving water quality.